

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

NOW COMES the Defendant LDG, Inc. d/b/a RE/MAX Metro Associates, by and through the undersigned counsel, who moves pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, to dismiss Plaintiff's Second Amended Complaint with prejudice.

This Motion is based on the fact that Lewis Daniel Glenn, Jr., who is the sole owner of Defendant LDG, Inc., was not a board member of the Consolidated Multiple Listing Service (CMLS) during the time period in which the CMLS board enacted those rules, regulations, by-laws, policies, and procedures, which are the basis for Plaintiff's alleged grievances as set forth in the Second Amended Complaint. Further, this action seeks class certification for "all individuals and businesses that purchased defendants' real estate-brokerage services in the CMLS Service Area from January 1, 2001 through September 17, 2007" again during this time LDG, Inc. had no agents, employees or officers participating on the CMLS Board. The grounds supporting this Motion are set forth in greater detail in the Memorandum in Support of LDG,

Inc.'s Motion to Dismiss Plaintiff's Second Amended Complaint, which is being filed contemporaneously and is incorporated herein.

WHEREFORE, for the foregoing reasons, and as set forth in the memorandum in support of this motion, LDG, Inc., respectfully requests that this Court dismiss Plaintiffs' Second Amended Complaint against it.

Respectfully submitted

s/ David A. Anderson

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January 24, 2013  
Columbia, South Carolina.